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**Federal Communications Commission**

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Post Rock Communications, LLC	)	File No.: EB-FIELDWR-14-00013079
Licensee of Station KDUN(AM)	)	
	)	NOV No.: V2014329200013
	)	
Reedsport, Oregon	)	Facility ID: 33779

**NOTICE OF VIOLATION**

**Released: January 30, 2014**

By the Resident Agent, Portland Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)<sup>1</sup> to Post Rock Communications, LLC ("Post Rock"), licensee of radio station KDUN in Reedsport, Oregon. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.<sup>2</sup>

2. On January 21, 2014, agents of the Enforcement Bureau's Portland Office inspected radio station KDUN located at 136 N. 7<sup>th</sup> Street, Reedsport, Oregon, and observed the following violations:

- a. 47 C.F.R. § 11.61(b): "Entries shall be made in EAS Participant records, as specified in § 11.35(a) and 11.54(a)(3)." KDUN did not have EAS CAP-formatted entries from September 1, 2013 through January 21, 2014.
- b. 47 C.F.R. § 73.1870(b)(3): "The designation of the chief operator must be in writing with a copy of the designation posted with the station license." At the time of the inspection, KDUN did not post the chief operator designation letter with its license.
- c. 47 C.F.R. § 73.3526(e)(12): "For commercial AM and FM broadcast stations, every three months a list of programs that have provided the station's most significant treatment of community issues during the

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

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preceding three month period. The list for each calendar quarter is to be filed by the tenth day of the succeeding calendar quarter (e.g., January 10 for the quarter January – March, etc.). During the inspection, KDUN could not produce the issues and programs lists for the fourth quarter of 2013.

3. As the nation's emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its regulatees. We also must investigate violations of other rules that apply to broadcast licensees.

4. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Post Rock, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

5. In accordance with Section 1.16 of the Rules, we direct Post Rock to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Post Rock with personal knowledge of the representations provided in Post Rock's response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

6. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

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<sup>3</sup> 47 U.S.C. § 308(b)

<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup> Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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Federal Communications Commission  
Portland Office  
P.O. Box 61469  
Vancouver, WA 98666-1469

7. This Notice shall be sent to Post Rock Communications, LLC at its address of record.

8. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Binh Nguyen  
Resident Agent  
Portland Office  
Western Region  
Enforcement Bureau

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<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).